

Reply Under 37 C.F.R. § 1.116 – Expedited Procedure

Serial No. 10/750,123

Examiner Leslie C. Pascal

REMARKS/ARGUMENTS

Claims 27 through 31 remain in this application. Claims 32 and 33 are added.

Claim Rejections under 35 U.S.C. 112

In paragraph 2, the Office Action rejected claims 29 through 31 under 35 U.S.C. 112, second paragraph as being indefinite because it states that it is not clear from the specification what exactly is meant by forming a cross connection. However the claims meet all the requirements of 35 U.S.C. 112. “Determining whether a claim is definite requires an analysis of ‘whether one skilled in the art would understand the bounds of the claim when read in light of the specification If the claims read in light of the specification reasonably apprise those skilled in the art of the scope of the invention, § 112 demands no more.’” *Personalized Media Communications, LLC v. U.S. Int'l Trade Comm'n*, 161 F.3d 696, 48 USPQ2d 1880 (Fed. Cir. 1998) (citing *Miles Lab., Inc. v. Shandon, Inc.*, 997 F.2d 870, 875, 27 USPQ2d 1123, 1126 (Fed. Cir. 1993) and finding that term digital detector is definite because the written description of the specification was sufficient to inform one skilled in the art of the meaning of the claim language).

The claim term of “cross-connection” in claim 29 is clearly described in the specification with clear illustrations in the Figures. For example, *inter alia*, the specification at paragraph 19 states that:

“An originating NE inserts a wavelength and sends wavelength information in the form of a map corresponding to the inserted wavelength to an adjacent NE indicating to the adjacent NE the wavelength and the name of the originating NE that inserted the signal. The adjacent NE checks to see if it is inserting the same wavelength back towards the originating NE that provided the wavelength information, i.e., the adjacent NE checks to see if it forms a cross-connection with the originating NE that provided the wavelength information.”

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Further, with respect to Figure 2, the specification states in paragraph 29 that:

“In one embodiment, the maintenance operations the craft 226 will perform may involve taking NE4 208 off-line. By utilizing wavelength topology map 232 (which should be understood to mean the direction-specific map implementation set forth above), the craft 226 has an indication that wavelengths 216 and 220 will require accommodation since these wavelengths are inserted and dropped at NE4 208 as parts of cross-connections. Moreover, the wavelength topology map 230 provides an indication that wavelengths 212 and 222 pass through NE4 208 and also require accommodation. With respect to wavelengths 212 and 222, the craft 226 and the NOC 228 utilize the source and destination information, i.e., wavelengths 212 and 222 originate between a cross-connection defined by NE1 202 and NE5 210, provided by the wavelength topology map 230 to activate protection switches 234 and 236 so that wavelengths 212 and 222 may be rerouted. Hence, by providing accessible and accurate wavelength topology maps that include passthrough wavelengths in network elements having an optical architecture, the present invention prevents traffic from being lost during maintenance operations.”

Thus, a person of skill in the art would clearly be able to understand the claim language when read in light of the specification.

Claim Rejections under 35 U.S.C. 103(a)

The Office Action rejected claims 27 through 31 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6694100 to Fatehi et al. (the Fatehi reference). This rejection is traversed because the Fatehi reference fails to disclose or suggest the requirements of the claims.

The Fatehi reference fails to disclose or suggest the requirement, *inter alia*, of claim 27 of, “said second of said plurality of connected devices operable to insert a wavelength within the network, and further operable to make a determination if the inserted wavelength by the second of said plurality of connected devices is equal to the wavelength inserted into the network by said

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first of said plurality of connected devices, wherein said second of said plurality of connected devices determines the wavelength inserted into the network by said first of said plurality of connected devices is a passthrough wavelength for the second of said plurality of devices when the inserted wavelengths are not equal.” As stated in the specification in paragraphs 19 and 20, “An originating NE inserts a wavelength and sends wavelength information in the form of a map corresponding to the inserted wavelength to an adjacent NE indicating to the adjacent NE the wavelength and the name of the originating NE that inserted the signal. The adjacent NE checks to see if it is inserting the same wavelength back towards the originating NE that provided the wavelength information, i.e., the adjacent NE checks to see if it forms a cross-connection with the originating NE that provided the wavelength information. If the adjacent NE is inserting the wavelength back upstream towards the originating NE, then the adjacent NE sends wavelength information back to the originating NE such that the originating NE has information about the destination of the signal it just inserted. On the other hand, if the adjacent NE does not insert the wavelength back towards the originating NE, then the wavelength is passed through and the adjacent NE updates its wavelength information to reflect that the wavelength is a passthrough wavelength sourced from the originating NE.” The Fatehi reference fails to disclose determining passthrough wavelengths as described in claim 27.

Similarly, the Fatehi reference fails to disclose the requirement, *inter alia*, of claim 32 of, “a dedicated overhead wavelength channel for receiving a wavelength topology map from the adjacent network element in the optical network, wherein the wavelength topology map includes a first map portion that specifies the wavelengths being transmitted by the adjacent network element in a second direction to the network element; wherein said network element is operable to determine passthrough wavelengths from the wavelength topology map.” The Fatehi reference fails to disclose determining passthrough wavelengths from a wavelength topology map as described in claim 32.

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CONCLUSION

For the above reasons, the foregoing amendment places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact Jessica Smith at (972) 240-5324.

Respectfully submitted,

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